

Framework Convention on Tobacco Control

Technical Briefing Series

Paper 3



Mobilizing NGOs and the Media Behind the International Framework Convention on Tobacco Control



World Health Organization



Tobacco Free Initiative

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Framework Convention on Tobacco Control

Technical Briefing Series

Mobilizing NGOs and the Media Behind the International Framework Convention on Tobacco Control:

**Experiences from the Code on Marketing
of Breast-milk Substitutes and
Conventions on Landmines and the Environment**

Prepared by INFACT

Framework Convention on Tobacco Control

Technical Briefing Series

Mobilizing NGOs and the Media Behind the International Framework Convention on Tobacco Control

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of Breast-milk Substitutes and

Convention on Famine and the Environment

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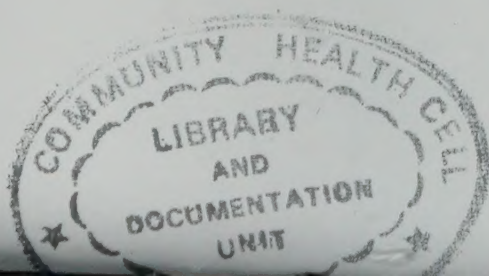
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A black and white photograph of a hand holding a cigarette. The cigarette is held between the thumb and index finger. The filter of the cigarette is decorated with a small, dark flower. The background is a light, textured surface.

"Tobacco control cannot succeed solely through the efforts of individual governments, national NGOs and media advocates. We need an international response to an international problem. I believe that response will be well encapsulated in the development of an International Framework Convention."

*Dr Gro Harlem Brundtland
Seminar on Tobacco Industry Disclosures,
WHO, Geneva, 20 October 1998*

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Dr. Göran Lundberg
Seminar on Tobacco Industry Disclosure
WHO, Geneva, 20 October 1998

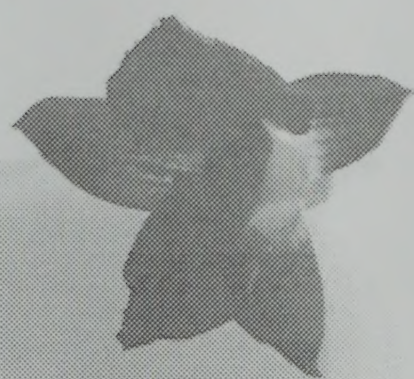
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Foreword



The development of a proposed WHO framework convention on tobacco control and possible related protocols will represent the first time that WHO has used its constitutional mandate to facilitate the creation of an international convention. The framework convention will be an international legal instrument that will circumscribe the global spread of tobacco and tobacco products. With its possible related protocols, it will represent a global complement to national and local action, and will support and accelerate the work of Member States wishing to strengthen their tobacco control programmes.

When Member States come to consider a framework convention, they will need to be sensitive to sectoral issues, and to base their discussions on facts rather than on partisan arguments, never losing sight of the public health goals that are the principal reason for tobacco control. The Framework Convention on Tobacco Control Technical Briefing Series is being widely disseminated by the WHO Tobacco Free Initiative with a view to providing Member States with important background information which, it is hoped, will prove of value in their future deliberations.

Dr Derek Yach
Project Manager
Tobacco Free Initiative

موجز

تعطي

هذه الورقة نبذة عامة عن مشاركة المنظمات غير الحكومية في العمليات المؤدية الى وضع المدونات والاتفاقيات المتعلقة بدائل لبن الأم والألغام الأرضية والبيئة. وهناك من يذهب الى أن مشاركة المنظمات غير الحكومية قد أفضت الى ابرام معاهدات أقوى في غضون مدد قصيرة. ومن الأمور الأساسية التصدي لقضايا تنسيق تلك المشاركة ولاسيما مسائل التوقيت والموارد. وينصب التوكيد على أن المنظمات غير الحكومية هي وحدها القادرة على حفز وتنسيق أي شبكة أو تحالف يضم المنظمات غير الحكومية. ويعني استقلال المنظمات غير الحكومية الجوهرية أنها لا تتقيد كثيرا بدواعي الجدوى السياسية كما تفعل ذلك الحكومات والمنظمات الدولية؛ مما يسمح لها بتحديد أهداف رؤيوية وتغيير المناخ العام وتوسيع أفق ما هو ممكن سياسيا.

ويتمثل دور المنظمات غير الحكومية الأولي في انشاء تحالف وشبكة اتصالات وتحديد أساس للتوقعات والمعايير وتوفير الخبرة التقنية فيما يتعلق بالقضايا المطروحة ورصد وفضح حالات التعسف التي تعمد اليها دوائر الصناعة بل وممارسة ضغوط اقتصادية مباشرة، أحيانا، على تلك الدوائر. وهناك اتفاق عام على أن العلاقة الأساسية بين منظمة الصحة العالمية والمنظمات غير الحكومية تتمحور حول تقاسم المعلومات.

والاتفاقيات/ المعاهدات ليست مجرد وثائق قانونية بل هي أيضا وثائق سياسية. والمناخ العام هو، في الأمثلة المضروبة في هذه الورقة، ما جعل العمل أمرا مجديا من الناحية السياسية. وفي هذا الصدد، فإن دور المنظمات غير الحكومية ووسائل الاعلام كان ولاشك دورا حاسما. ذلك أن الأهداف بقدر ما تكون أكثر رؤيوية بقدر ما تكون أكثر حفزا للناس. كما أن حشد المنظمات غير الحكومية لدعم الاتفاقية الاطارية لمكافحة التبغ ينطوي على امكانيات حفز وضع الاتفاقية والتفاوض بشأنها كما برهنت على ذلك الخبرة المستمدة من ابرام الصكوك الدولية الأخرى في الآونة الأخيرة.

执 行 概 要

本文件提供了非政府组织（NGOs）参与缔结关于母乳代用品、地雷和环境方面法规与公约过程的概况。人们认为，非政府组织的参与可在较短时限内产生强有力的协议。这种参与的协调问题，特别是时机的掌握和资源问题至关重要。文件强调，只有非政府组织才能促进和协调一个非政府组织网络或联盟。非政府组织独立性的本质意味着，与政府和国际组织相比，它们较少受到政治可行性的限制。这使它们能够确定预期目标，改变公众氛围，并扩大在政治方面可行的范围。

非政府组织的主要作用是建立同盟和联络网，确定期望和标准的底线，就一些事宜提供专门技术，监督和揭露工业界的弊端，并在某些情况下对工业界施加直接经济压力。人们普遍同意，世界卫生组织和非政府组织之间的关系集中于信息交流方面。

条约/协议不仅只是法律文件；它们也是政治文件。本文件所列举的实例表明，公众氛围是使行动在政治上获得可行的关键。在这方面，非政府组织和传媒至关重要。目标越有预见性，它们就越能激励公众。如最近的其它国际文书的经验所表明，调动非政府组织支持烟草控制框架公约有可能促进该公约的制定和协商。

Executive summary

This paper provides an overview of the involvement of nongovernmental organizations (NGOs) in the processes leading to the breast-milk substitute, landmine and environmental codes and conventions. It is argued that NGO involvement resulted in stronger treaties with shorter time lines. Issues of coordination of that participation, particularly matters of timing and resources, will be key. It is emphasized that only NGOs can catalyse and coordinate an NGO network or coalition. The essential independence of NGOs means that they are less restricted by political feasibility than governments and international organizations. That allows them to set visionary goals, change the public climate, and expand the horizons of what is politically feasible.

NGOs' primary roles are establishment of a coalition and communication network, setting a bottom line on expectations and standards, providing technical expertise on issues, monitoring and exposing industry abuses, and in some instances putting direct economic pressure on the industry. There is general agreement that the key relationship between WHO and NGOs centres on information-sharing.

Conventions / treaties are not just legal documents; they are also political documents. In the examples cited in this paper, the public climate was what made action politically feasible. In that regard, the NGOs and the media were crucial. The more visionary the goals, the more motivating they were to the public. The mobilization of NGO support for the Framework Convention on Tobacco Control (FCTC) has the potential to catalyse the development and negotiation of the convention, as experience with other recent international instruments has demonstrated.

Résumé d'orientation

Le présent document donne un aperçu général de l'engagement des organisations non gouvernementales (ONG) dans le travail visant à l'élaboration de codes et conventions dans les domaines des substituts du lait maternel, des mines terrestres et de l'environnement. Il soutient que cet engagement des ONG a permis d'obtenir des traités plus fermes dans des délais plus courts. Les questions touchant à la coordination de cette participation, notamment en termes de calendrier et de ressources, seront essentielles. Seules les ONG, souligne-t-on, peuvent activer et coordonner les réseaux ou les coalitions qui les lient. L'indépendance fondamentale de ces organisations signifie qu'elles ne subissent pas les limitations politiques des gouvernements et des organismes internationaux. Cela leur permet de fixer des objectifs visionnaires, de modifier l'esprit du public et d'étendre l'horizon au-delà de ce qui est politiquement faisable.

Les ONG jouent plusieurs rôles primordiaux : création d'un réseau de coalitions et de communications, fixation d'un minimum en ce qui concerne les attentes et les normes, mise à disposition d'une expertise technique sur les diverses questions, surveillance et dénonciation des abus de l'industrie et même parfois, l'exercice de pressions économiques directes sur l'industrie. On s'accorde en général pour dire que la relation essentielle entre l'OMS et les ONG tourne autour du partage de l'information.

Les conventions et les traités ne sont pas que de simples documents juridiques ; ils ont également un caractère politique. Dans les exemples évoqués dans le présent document, c'est l'état d'esprit du public qui a rendu l'action politique possible. A cet égard, les ONG et les médias ont joué un rôle crucial. Plus les objectifs étaient visionnaires, plus ils ont motivé le public. La mobilisation des ONG en faveur de la Convention-cadre sur la lutte antitabac (CCLAT) peut potentiellement activer la mise au point de la convention et les négociations, comme l'expérience l'a récemment démontré pour d'autres instruments juridiques.

Резюме

В настоящем документе представлен обзор участия неправительственных организаций (НПО) в процессе разработки сводов правил и конвенций, касающихся заменителей грудного молока, противопехотных мин и окружающей среды. Участие НПО позволяет разрабатывать гораздо более “жесткие” соглашения в короткие сроки. Вопросы координации такого участия и особенно вопрос о сроках и ресурсах является при этом ключевым. При этом следует учитывать, что только НПО в состоянии обеспечить “катализацию” и координацию сети НПО или объединения. Независимость как важнейший элемент в деятельности НПО означает, что они менее ограничены политическими реалиями, чем правительства или международные организации. Это позволяет им добиваться определения конкретных целей, изменять мнение общественности и выходить за рамки политически реальных “горизонтов”.

Главная задача НПО заключается в создании коалиционных и коммуникационных сетей с определением предельно допустимых стандартов, равно как и прогнозов, и в обеспечении технической экспертизы по различным вопросам, осуществлении мониторинга имеющих место в промышленности нарушений, а в ряде случаев - и в оказании прямого экономического давления на отрасли промышленности. Существует также общее согласие о взаимоотношениях между ВОЗ и НПО по вопросу обмена информацией.

Конвенции/договоры являются не просто юридическими документами; они выступают как политические документы. В примерах, которые приводятся в настоящем документе, именно общественное мнение сделало определенные действия политически возможными. В этом отношении НПО и средства массовой информации сыграли основополагающую роль. Чем более ясными являются сами цели, тем более понятными они становятся для общественности. Мобилизация поддержки НПО для РКБТ¹ дает возможность для использования опыта, касающегося разработки и переговоров, связанных с этой Конвенцией, что было продемонстрировано на примере других международных соглашений в недавнем прошлом.

¹ Примечание переводчика: РКБТ - рамочная конвенция по борьбе с табаком.

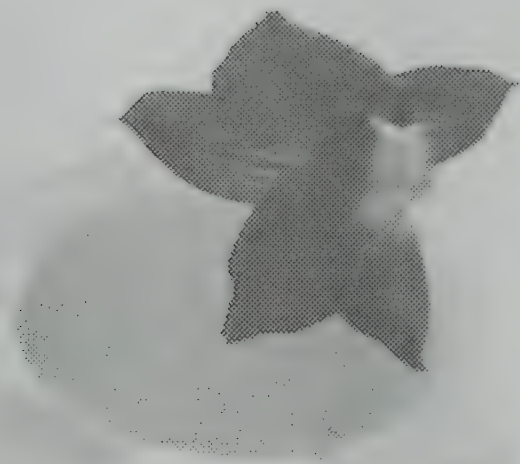
Resumen de orientación

En este documento se expone en líneas generales cómo han participado las organizaciones no gubernamentales (ONG) en los procesos conducentes a la elaboración de códigos y convenios en el campo de los sucedáneos de la leche materna, las minas terrestres y el medio ambiente. Se sostiene que la participación de las ONG ha dado lugar a la elaboración de tratados de mayor solidez en plazos más breves. Son fundamentales los problemas de coordinación de esa participación, en particular los asuntos relativos a la cronología y los recursos. Se hace hincapié en que sólo las ONG pueden catalizar y coordinar una red o coalición de ONG. La independencia esencial de las ONG significa que se encuentran menos limitadas por los problemas de viabilidad política que los gobiernos y las organizaciones intergubernamentales. Esto les permite establecer objetivos con visión de futuro, modificar el entorno público y ampliar el horizonte de lo que es políticamente viable.

El papel de las ONG consiste principalmente en crear una coalición y una red de comunicación, establecer un balance de las expectativas y criterios, proporcionar asistencia técnica especializada en determinadas cuestiones, vigilar y poner al descubierto las prácticas industriales abusivas, y en algunos casos ejercer presiones económicas directas sobre la industria. Hay consenso general en cuanto a la relación clave existente entre la OMS y las ONG en materia de intercambio de información.

Los convenios/tratados no son sólo instrumentos legales. Son también documentos de índole política. Como se desprende de los ejemplos citados en el presente informe, el entorno público es lo que hizo que una acción fuera políticamente viable. A este respecto, las ONG y los medios de comunicación de masas fueron cruciales. Cuanto más certera fue la visión de futuro al fijar los objetivos, más estimulantes fueron éstos para el público. La movilización del apoyo de las ONG a favor del Convenio Marco Internacional para la Lucha Antitabáquica puede catalizar la elaboración y la negociación del convenio, como lo demuestra lo ocurrido con otros instrumentos internacionales recientes.

Introduction



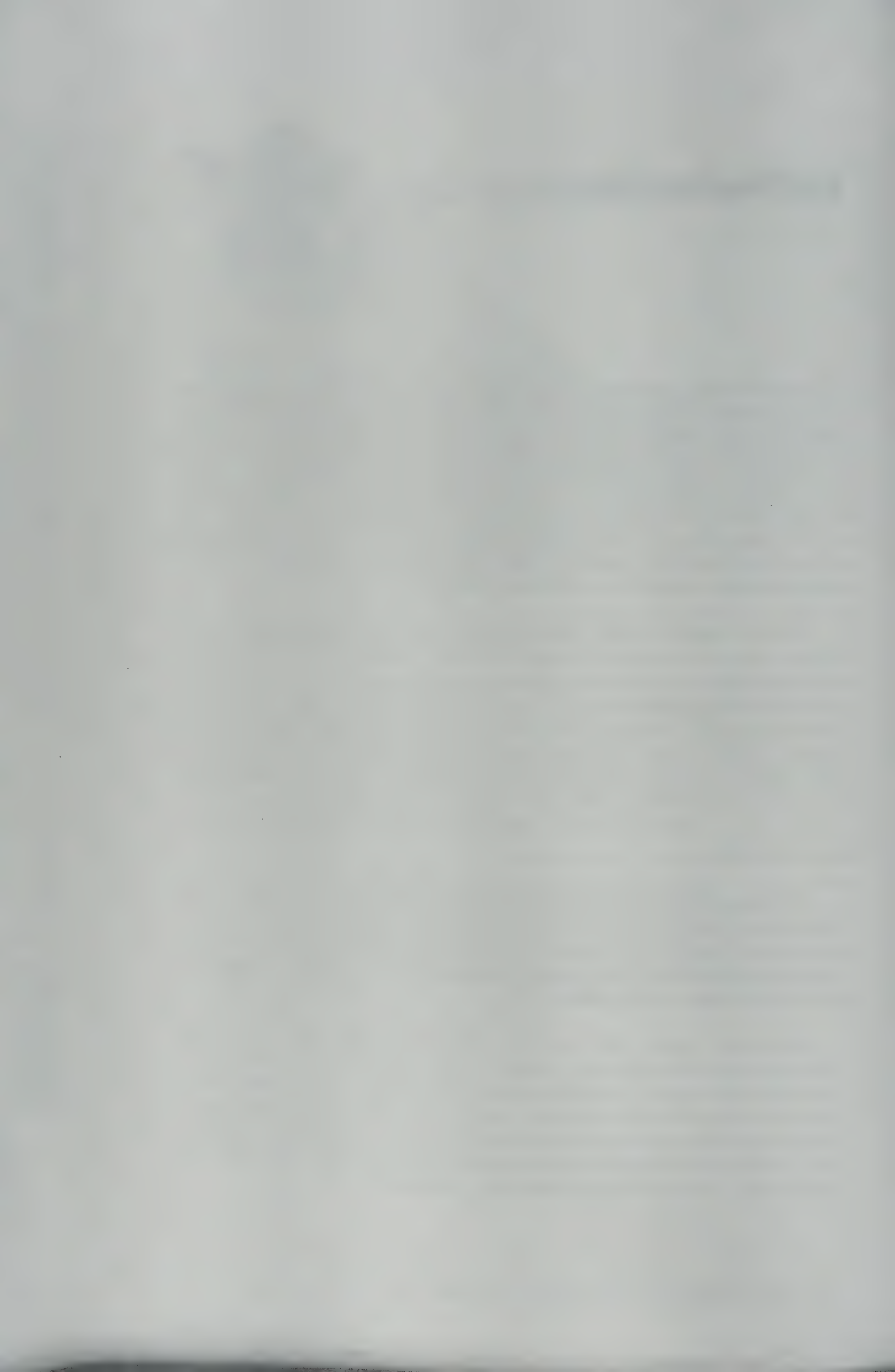
Nongovernmental organizations (NGOs)¹ have played a critical role in promoting the establishment of treaties and codes to protect human and environmental health and safety at the international level in the past two decades. The successes and challenges experienced by NGOs involved in the passage of the International Code of Marketing of Breast-milk Substitutes adopted by the World Health Assembly in 1981, the Convention on the Prohibition of the Use, Production, Transfer and Stockpiling of Anti-personnel Landmines and on Their Destruction, and the conventions on ozone and climate change provide important lessons for the World Health Organization (WHO), public health advocates and NGOs working for a framework convention on tobacco control (FCTC).

At a time when the increasing power and influence of transnational corporations (TNCs) in political and economic decision-making threatens to overshadow that of individual nations and intergovernmental bodies such as the United Nations, NGOs play a critical role - working in conjunction with national and intergovernmental bodies - in reining in the abuses of giant corporations. The tobacco transnationals, including Philip Morris, British American Tobacco, and RJR Nabisco, are among the world's largest corporations. Their annual revenues exceed the GNP of many of the countries in which they operate. The political influence that these tobacco transnationals wield is equally gigantic. The proposed WHO framework convention can play a key role in assisting countries to overcome the tobacco industry's resistance to controls.

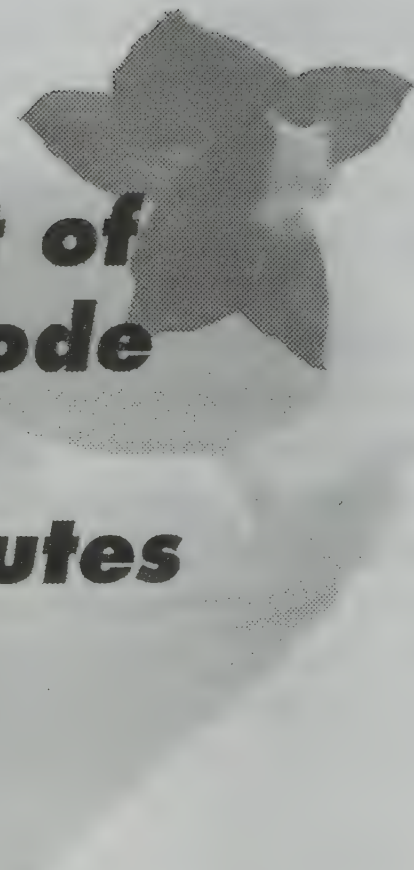
The degree of NGO involvement in developing the codes and treaties examined in this document varies considerably. It is clear, however, that the greater the role of NGOs in the process, the stronger the final outcome. NGOs provide technical expertise on the issues and on working with the media. They also include constituencies that are significant in building a base of public support for the proposed FCTC.

The Member States of WHO have taken a significant and bold step in proposing an international framework convention on tobacco control, and NGOs will be strong partners and allies in its development. The tobacco transnationals will no doubt be formidable in their attempts to undermine such a convention, just as TNCs have opposed other codes and conventions designed to put the protection of human lives before industry profits. Past experience of mobilizing NGOs and the media in support of other conventions can provide both WHO Member States and NGOs themselves with a useful guide.

¹ For the purposes of this document, NGOs do not include industry-related organizations.



NGO involvement in the development of the International Code on Marketing of Breast-milk Substitutes



In the early 1970s, aggressive marketing and promotion of breast-milk substitutes by Nestlé and other TNCs began to be linked to a much higher infant mortality compared to infants fed only with breast-milk. The issue started to capture international attention, including that of the Pan American Health Organization (PAHO), the Food and Agriculture Organization of the United Nations (FAO), WHO, the United Nations Protein Advisory Group, the International Pediatric Society health care workers in Europe and the developing world, and the International Organization of Consumers Unions (IOCU), which called for changes in the marketing of infant formula - including a code - as early as 1973.

NGOs helped to create a climate for the Member States of WHO to take action. As momentum grew in the late 1970s around the baby food campaign, an international network called the International Baby Food Action Network (IBFAN) was established in 1979 by five NGOs, including INFANT, IOCU, War on Want, the Third World Working Group of Bern, and the Interfaith Center on Corporate Responsibility. The Network rapidly expanded, and the World Health Assembly adopted the Code in 1981 (resolution WHA34.22).

NGOs played a key role during the development of the Code by:

- urging their governments to support the Code;
- monitoring the industry and exposing abuses both before and after the Code was adopted;
- sharing information about the infant formula industry which undercut industry arguments and exposed tactics to undermine the Code;
- garnering international media attention and public support;
- especially through boycotts, applying direct economic pressure on Nestlé, the industry leader, to help force it into a negotiating posture;
- providing a critical counterweight to industry lobbying against the Code.

NGOs initiated a variety of methods which worked together to change industry behaviour. These included introducing shareholder resolutions from religious NGOs such as the Interfaith Center on Corporate Responsibility (beginning in 1974), organizing a consumer

boycott of industry leader Nestlé (launched in 1977 by INFACT - then the Infant Formula Action Coalition), engaging in direct negotiations with the industry, and monitoring and exposing industry abuses. Some of these NGO methods were extended to the implementation phase of the Code. Today, ensuring compliance with the Code is a continuing task for some NGOs in different parts of the world.

A joint WHO/UNICEF Meeting on Infant and Young Child Feeding was convened in October 1979 at the urging of US Senator Edward Kennedy, who had held US congressional hearings on infant formula in 1978 in response to NGO and public concerns about the issue. Nestlé agreed to take part in the WHO/UNICEF meeting because it believed that it offered an opportunity to move out of the public spotlight, and it hoped for a forum where it might be better positioned than elsewhere to control the outcome. Its strategy failed largely because NGOs organized and collaborated internationally, and because WHO and UNICEF saw NGOs as important to the process. Nestlé then approached individual governments with its own code in an effort to undermine support for a strong international code.

NGOs wrote a recommended version of what the code should look like, which was largely ignored at the first meeting on the code in October 1979. The first draft was a fairly weak framework of general principles, which was eventually strengthened with NGO participation in the review and improvement of subsequent drafts. In the end, a substantial portion of the final code, was contributed by NGOs - although largely behind the scenes. WHO and governments were cautious about open NGO involvement in drafting the code, as such collaboration broke new ground at the time, and there was concern that it could generate a backlash from the industry and governments.

NGOs working on the code that had been involved in direct negotiations with the corporations provided insight into how the corporations would misuse a code with general principles that left too many loopholes. Nestlé and other manufacturers of breast-milk substitutes were heavily involved in lobbying during the voting on the code. NGOs also played an important lobbying role at the World Health Assembly, largely coordinated through the leadership of IBAN. NGOs provided government delegates with information and ideas, and there was close teamwork among the NGOs throughout the process on the shape and specific details of the Code. International meetings provided more opportunities for interaction between NGOs in the Third World, and Western/European NGOs.

Member States gave the Director-General formal authority to move forward on the code at the Thirty-third World Health Assembly in 1980 (resolution WHA33.32). Though the baby food industry was very powerful, the NGOs mobilized public pressure and took a very progressive position, supporting WHO in taking a firm stance.

Building support for the code through the media

NGOs played an important role in winning international media attention and public support on the breast-milk substitute issue, a crucial step leading to the Code. In 1973 and 1974 the first exposés were published, including War on Want's *The baby killers*. The German edition, with a title literally translated as *Nestlé kills babies* resulted in a lawsuit from Nestlé, drawing even more attention.

IOCU had much experience in working with the media, and helped to generate significant international press coverage. Films, documentaries, and investigative news pieces were produced, including the broadcast of "Into the mouths of babes" in 1978. This prompted a backlash from the industry, which withdrew its advertising support from the CBS network U.S.A. that broadcast it. A drought of news coverage in the US persisted for some time afterwards.

NGOs provided credible evidence by monitoring and gathering data from around the world. They also exposed to government delegates and the media the contradiction between what the industry said and what it was actually doing in economically poor countries. Stories and photos played an important role in securing media coverage, and NGOs provided lots of "show and tell" examples of industry marketing and promotion of infant formula and their impact in developing countries. Themes the media picked up on included the human suffering caused by the aggressive promotion of infant formula, the David and Goliath battle between NGOs and the baby food transnationals, and industry abuses. The NGOs held regular press conferences during World Health Assembly sessions.

Implications for NGO support of the FCTC

The baby food campaign laid important groundwork for NGO involvement in the process of developing codes and conventions in the United Nations system. One of the major challenges for NGOs pushing for the Code of Marketing of Breast-milk Substitutes was simply to be at the negotiating table, which the industry opposed. Few United Nations agencies, including WHO, had any history of working with NGOs at the time. Thus, one of the key challenges in the negotiation of the Code was that WHO and the NGOs did not always coordinate their approaches.

Lessons from the baby food campaign for NGOs active in tobacco control

NGOs may wish to consider the following action:

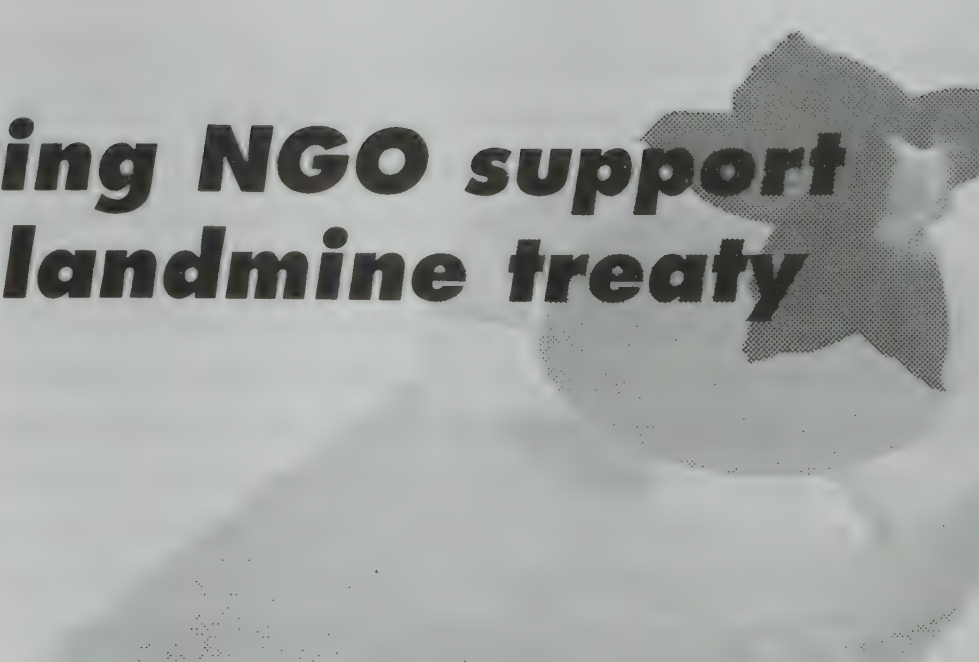
- Develop a broad-based global network or coalition of organizations and individuals.
- Expose current industry abuses in marketing and promotion to the media, government delegates and WHO officials.
- Distribute the necessary scientific information (including recently released internal documents) to all countries - the facts support tobacco control. A lack of information can be exploited by the tobacco corporations.
- Share information and strategies through networking.
- Develop good working relationships within the United Nations system, including WHO, World Health Assembly delegates, and the United Nations press corps, and learn about procedures.
- Develop a lobbying strategy, and put together a small lobbying team to work out approaches.
- Build alliances with NGOs in official relations with WHO that are able to speak from the floor of the World Health Assembly.

***Lessons and advice for WHO
in working with NGOs based on
the infant formula experience***

The following points should be considered:

- Exclude the tobacco industry from development of the framework convention.
- Share strategies so that NGOs, countries and WHO operate in a coordinated manner.
- Support NGO understanding of WHO and the process.
- Draw on NGO technical expertise and information about the corporations, industry arguments and strategies so that WHO is better prepared to respond.
- Help to ensure that information is widely disseminated to government delegates.
- Provide lists of participants and the agenda to NGOs in advance of meetings of observers.
- Seek the support of public health and medical NGOs.
- Involve NGOs as observers in all sessions.

Mobilizing NGO support for the landmine treaty



In 1990, the International Committee of the Red Cross and other humanitarian organizations began to document the large number of injuries and deaths caused by landmines, whose use had increased in the 1980s. In 1991, several NGOs and individuals began to discuss the need for a coordinated effort to ban anti-personnel landmines. In 1992, Handicap International, Human Rights Watch, Medico International (Germany), the Mines Advisory Group (United Kingdom), Physicians for Human Rights, and the Vietnam Veterans of America Foundation formed the International Campaign to Ban Landmines (ICBL). ICBL and the International Red Cross began a campaign to raise public awareness about landmines, and NGOs became the leaders in mobilizing public opinion and political debate over their use. Other national campaigns and hundreds of other organizations working at the local, national, regional and international levels to ban landmines joined ICBL. By 1998, ICBL had grown to a broad grouping of over 1000 members, including human rights, medical, religious, environmental, veterans' and women's organizations from over 60 countries.

In 1993, France requested a meeting to review the 1980 United Nations Convention on Certain Conventional Weapons (CCW), which included regulations on landmines in its Protocol II. After two years of preparatory meetings, a Review Conference was held in Vienna in September 1995. The Conference was unable to reach a consensus on the landmine issue, and after two more sessions in 1996 some limited enhancements of the Landmines Protocol were agreed upon. However, the results were inadequate from the perspective of ICBL, the International Committee of the Red Cross, and several governments. In fact in early 1996, during the continued Vienna negotiations, NGOs urged countries to walk out on the talks rather than settle for weaker measures in the interest of consensus. Canada then took the lead by inviting countries in favour of a ban on landmines, NGOs, and United Nations agencies to attend a strategy conference in Ottawa in October 1996 with a view to a global ban on landmines. Canada's initiative in removing negotiations from normal diplomatic channels was very controversial. It also proved to be extremely successful. At the end of the Ottawa conference, which was supported by 50 States, the United Nations and ICBL, Canada issued a challenge to governments to return in December 1997 to sign a treaty to prohibit the production and use of anti-personnel mines.

In the interim, international support for a ban on landmines grew. The United Nations General Assembly adopted a resolution in December 1996 asking for countries to reach an international agreement to prohibit landmines as soon as possible. Meanwhile, the Austrian Government prepared a draft treaty and distributed it to interested States and NGOs for comment. ICBL also produced its own draft to create a vision of what the treaty should

include. The Austrian draft underwent several revisions and negotiations continued in 1997 at meetings in Vienna, Bonn and Brussels. In September 1997, after further extensive negotiations, the Convention to ban landmines - also known as "the Ottawa treaty" - was adopted in Oslo, and signed by 122 countries in Ottawa in December. ICBL convened an NGO forum in Oslo to develop a plan of action that focused on securing government signatures to the treaty, followed by ratification, implementation and monitoring. Specific objectives and priorities for 1998 were clearly laid out. By October 1998, 129 countries had signed and 40 of them had ratified the treaty, the number needed for it to enter into force. The treaty consequently entered into force on 1 March 1999, by which time over 60 States had ratified it.

The role of NGOs: leading the way to the Ottawa treaty

One of the great strengths of the "Ottawa process" for the landmine treaty was the close cooperation that developed between NGOs and governments. The "Ottawa process" was unique in that NGOs participated alongside governments in the drafting and negotiation of the treaty, setting an important precedent. NGOs' views were sought throughout the development of the treaty.

The cooperative relationships between governments and NGOs during the landmine treaty negotiations actually began to develop during United Nations negotiations in Vienna at the Convention on Inhumane Conventional Weapons (CICW) Review Conference in 1995. The process required both governments and NGOs to overcome fears about working together. While NGOs were excluded from the negotiations in Vienna, they still provided information which helped establish NGO expertise.

ICBL participated as an official observer and was present at all sessions in the Oslo negotiations on the landmine treaty in 1997, holding the same status as observer governments. This marked the first time that NGOs were included in international negotiations on a disarmament or humanitarian law treaty.

The media and public advocacy campaign behind the Ottawa treaty

During the CICW Review Conference proceedings in Vienna in 1995, ICBL did advance work with Austrian NGOs to discuss strategies for the media and the conference. The strategies included regular briefings for the media and delegates at the conference, regular news reports, a newsletter designed not just for the media but also to exert pressure on particular government delegates, and meetings at which government delegates were invited to discuss their position with NGOs.

The International Committee of the Red Cross developed a public advocacy and media campaign which included an advertising component, films and videos, ratification kits for governments, and media and advertising kits for its national societies. Through meeting with owners and producers of major media networks and outlets, free broadcasting time and advertising space were secured for the landmine issue.

There was no overall media strategy for ICBL, and NGOs did their own media work within their respective countries or regions. However, a core group within ICBL was responsible for writing press releases and circulating sample press releases for its members. Frequent and regular communication between members is considered to have been one of the keys to ICBL's success.

Specific methods included delivering six tons of shoes to the Austrian Parliament during negotiations, and to a similar event in Paris, to symbolize landmine victims. A petition calling for a ban on landmines, bearing nearly two million signatures collected from people around the world, was delivered to the President of the CICW Review Conference. A "wall of remembrance" with photos of landmine victims from Cambodia was erected during the negotiations, and delegates had to cross a simulated landmine field to enter a meeting.

Simple slogans, graphic images and a clear message were helpful in building media coverage favourable to a ban on landmines. Survivors played an important role, including attending and speaking at meetings on the landmine treaty. NGOs developed strong international media contacts.

By 1997, the international campaign had attracted some highly visible, well-known people to the cause, and thus even greater media attention. Among the internationally renowned figures joining the campaign were Princess Diana and former United States President Jimmy Carter. Increased media attention was focused on the issue with the death of Princess Diana in 1997, making it even more difficult for governments to weaken or vote against the treaty.

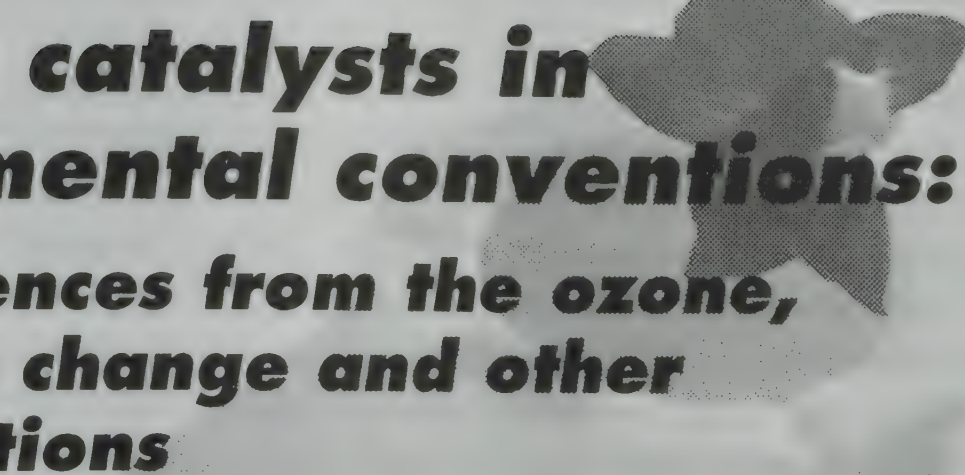
In 1997, ICBL and its coordinator, Jody Williams, were jointly awarded the Nobel Peace Prize, a major boost for the treaty in its final push, and an important factor in getting additional support from governments.

Mobilizing support for the FCTC: Lessons from the International Campaign to Ban Landmines

One of the key steps in mobilizing and coordinating NGO support for the landmine treaty was communication. Establishing an international network or coalition with regular communication is important. ICBL relied heavily on e-mail to communicate information quickly and regularly, to extend the campaign, and to develop strategies and plans of action with allies around the world. Face-to-face meetings between NGOs are also important in strengthening relationships and building cooperation, particularly between the North and South.

One of the obstacles ICBL had to overcome was the discomfort on the part of both governments and NGOs about working together. It is important to find sympathetic governments and cooperate with them. The Ottawa process set new precedents for NGO involvement and cooperation with governments supporting the treaty. NGOs were given status equal to observer governments, and were allowed full participation in negotiations on the treaty. Similarly, WHO should ensure non-industry NGO participation in the FCTC process.





NGOs as catalysts in environmental conventions:

experiences from the ozone, climate change and other conventions

This chapter is based primarily on the experience of NGOs working on issues of ozone depletion and global climate change and the respective international conventions and treaties to address these issues: The 1985 Vienna Convention for the Protection of the Ozone Layer, the subsequent Montreal Protocol on Substances that Deplete the Ozone Layer (1987); the United Nations Framework Convention on Climate Change adopted in 1992, and the Kyoto Protocol in 1997. NGOs and individuals who have worked on international conventions on biodiversity and persistent organic pollutants (POPs) were also consulted.

NGOs have a history of being actively involved in the development and passage of international treaties and agreements on the environment. Furthermore, environmental NGOs have been instrumental in bringing serious global environmental problems to the attention of governments and the public. In almost every case, credit goes first to the scientific community for having raised the issue, and then to NGOs which, by working with the scientific community to publicize critical research and educate the public, created the will to discuss, pushed governments to act, and thus laid the groundwork for international agreements to address the issues.

The discovery of the hole in the ozone layer of the earth's atmosphere first reached the general public in the mid-1980s, and Greenpeace, among others, took an early lead in converting the scientific data into reports more easily understood by lay people. The image of this hole was so startling and amazing that a public outcry was quickly raised. NGOs and the public were already working to restrict ozone-depleting chemicals well before national governments began to act. On the issue of climate change, NGOs worked closely with the scientific community to bring the issue to prominence, organizing press briefings between media and the independent experts who could answer their questions.

Because environmental NGOs were already active - in fact leading the charge - on the issues of ozone depletion, climate change and biodiversity, their involvement in the early drafting of agreements was a logical consequence. When NGOs are the catalysts of the agreement process, they are more likely to be in on the early stages of treaty development as well, and to have considerable influence at this stage. The first draft of what a biodiversity convention might look like, for example, was created by an NGO and passed to the United Nations Environment Programme (UNEP) for further refining. NGOs played similar, if less direct roles

in preliminary meetings for the climate change and ozone treaties, reviewing drafts, and suggesting language.

Another role played by NGOs in the early, pre-convention days of both climate change and ozone negotiations was research into the positions of various countries vis-à-vis these issues (i.e., which countries were the largest users of ozone-depleting chemicals or the largest producers of greenhouse gases, which were the most powerful policy-makers, and which were likely to be the most outspoken environmental advocates). Thanks to the global grass-roots base of international organizations such as Greenpeace and Friends of the Earth, and to the coordinating efforts of international NGO networks such as the Climate Action Network (CAN), NGOs were able to establish contacts and identify allies in countries around the world before the start of the actual treaty negotiations.

NGO involvement at the conferences

During the course of negotiations, NGOs have played a variety of roles. Theoretically, an NGO may attend as an observer, or even participate in a similar way to an observer government could, though it may not vote like a participating State. Even these exceptions are possible, since NGO representatives have served on national delegations to environmental treaties, and individuals have been deputed on occasion to represent countries. NGOs at the meetings on ozone depletion were allowed to make formal interventions. However, the more common and probably more crucial roles of NGOs at these international events were played behind the scenes.

First and foremost, environmental NGOs gave input and advice to delegates: by meeting daily with them to help to prepare position papers, provide facts and act as technical "translators" of scientific data; by offering wording for drafts and final documents; and by lobbying individual delegates and encouraging hesitant nations to move forward with advocacy for stronger treaties and shorter timelines. NGOs at Kyoto in particular were heavily involved at this elite level of negotiations, shaping positions and lobbying heavily both as delegates and as observers. This has resulted in a fairly high degree of expertise among NGOs on the details of the Kyoto Protocol.

NGOs have also served as go-betweens for different governments, passing information about their home country's position to other governments, and they have provided other important communication services during negotiations. One particularly useful and apparently influential communication tool of NGOs at the Montreal Protocol meetings on ozone depletion was the publication of a daily environmental newsletter on the proceedings, organized by Friends of the Earth. The newsletter gave the NGO perspective and an overview of the day's events in short blurbs, as well as publicizing "champions" and highlighting opposing countries. These were distributed every day to negotiators, the media, and everyone in attendance. The daily eco-newsletter was repeated by NGOs at the Kyoto proceedings, and was again widely read.

Finally, environmental NGOs also worked during the course of the treaty negotiations to keep the public informed on the proceedings by maintaining contact with their membership, other NGOs in their home countries, and the media; in turn, they were able to use the responses (letters from members, local newspaper articles) to foster support among negotiating parties.

NGOs and the media

Like NGOs, the media played a significant role in the development and outcome of international negotiations on these treaties, and environmental NGOs made a concerted effort to work with them to advance their message. Media coverage was acknowledged as crucial in getting public interest aroused and focused on the issue.

In the case of the ozone issue, the success of scientists and NGOs in reaching the public through the media helped to build momentum for the treaty. An article in the scientific journal *Nature* about the ozone hole first reached the public in the mid-1980s, and the follow-up articles it generated "sent the public through the roof", as one NGO put it. The image of the hole in the sky pervaded popular culture-it was mentioned on network TV shows in the United States, for example. However, NGOs worked hard to obtain more substantive coverage of the issue as well, first educating the media and then using them to expose and put pressure on the chemical industry, its associations and allies. NGOs held daily press conferences during negotiations to report on gains and losses, put out daily newsletters and organized demonstrations to ensure continued coverage. NGOs found, at the time, that the media initially supported their position and were more willing to play an advocacy role than they are today. None of the other environmental issues had quite the same impact on the popular media as the ozone hole, and none of them - climate change, biodiversity, POPs, even the Earth Summit in Rio - have achieved the same level of public awareness.

In the case of climate change and the Kyoto Protocol, even though the scientific basis was even more solid than in the ozone issue in the early phase, the media coverage was much more difficult to mobilize. In large part this was the result of the fossil fuel industry's assault on the scientific data in the media. NGOs started early on to educate the media on the scientific background to become a resource for them, and to help them to build a sophisticated understanding of the issue within the media. In turn, media coverage of the issue was initially very supportive, and particularly good at covering the peer-reviewed science as it developed.

But media support shifted as corporations began to take a more aggressive approach. Initial support gave way to stories based on industry misinformation about methyl bromide in later ozone negotiations, and climate change articles started to include longer and longer sections beginning with "on the other hand", and discussing the "debate" created by a handful of industry-funded scientists rather than the conclusions of the vast majority of the scientific community.

Nevertheless, as in the case of the ozone negotiations, media coverage during the Kyoto meetings helped to create the public climate to make them succeed. In this case, the image created in the media during the negotiations was of big oil companies trying to "sandbag" an international agreement. One activist credited the coverage with making the difference between the success and the predicted failure of the Kyoto Protocol.

Both climate change and ozone activists note that reporting seems to be returning to a position more supportive of the facts on both of these issues, but another important trend - the use of paid media, or advertising - is creating new challenges for NGOs. According to one student of NGOs and environmental treaties, the environmental NGOs usually hold the "moral high ground" that gives them an edge with the news media over industry, which is usually on

the defensive. The trend towards using paid media to address these issues leaves the NGOs at a distinct disadvantage against the virtually unlimited advertising budgets of many TNCs.

The role of TNCs in environmental conventions

Specific industries have been identified as being largely responsible for causing both ozone depletion- the chemical industry and climate change - the fossil fuel industry. It is important to realize that, just as the environmental NGOs have been involved in the development and passage of international agreements to address these issues, so the affected industries have been involved in obstructing or gutting them. In the UNEP arena, the TNCs' trade associations such as the Global Climate Coalition have been considered NGOs - industry NGOs - with the same access to the proceedings as the environmental or protectionist NGOs, and they work on the same levels, doing the same kinds of things with more or less success.

Industry representatives have tended to be less than blatant in their opposition in the actual negotiating arena - shying away from making actual interventions, if allowed - because they have preferred the public perception to be that governments were making the decisions and that industry was not interfering. None the less, their impact on the outcome of these agreements has been substantial.

TNCs target national governments at an early stage to identify allies and influence the positions their negotiators bring to the table; they also have representatives at the international negotiations as observers and lobbyists, working to influence the terms and language of treaties throughout the process. By identifying and working through government allies, such as member countries of the Organization of the Petroleum Exporting Countries (OPEC) or the United States in the case of climate change negotiations, the TNCs have ensured that their interests are not as strongly challenged by the agreement as they might otherwise have been. NGOs have had to spend considerable time with delegates to counter misinformation spread by the industry through their lobbyists.

Industry positions have shifted over time, and their tactics and arguments have shifted as well. In the case of ozone, manufacturers of ozone-depleting chemicals were at first completely opposed to controls and denied the existence of a problem, successfully stalemating the talks until it became apparent that there was money to be made from alternatives. When DuPont, the leader in ozone-depleting chemical production, took the lead in acknowledging that ozone-depleting chemicals needed to be restricted in some way, and subsequently took out a patent for a chemical alternative to CFCs, negotiations moved forward much more quickly. Industry then focused its efforts on the details of the agreements to build as much flexibility into the restrictions as possible, for example by trying to lengthen timelines for compliance. At more recent rounds of talks, methyl bromide manufacturers have used the media aggressively to defend their product as indispensable to modern agriculture. NGOs are finding it generally more difficult to win support for constructive changes and more stringent deadlines, as public interest - and hence pressure on industry and governments - has waned.

On the issue of climate change, the fossil fuel industry has remained obstructionist throughout, but has tried a variety of arguments to influence public opinion, primarily through multi-

million-dollar advertising campaigns launched by the Global Climate Coalition, an industry front group. In the United States, it has challenged the science, saying that the problem does not exist, then challenged the fairness of the Kyoto agreement (because industrialized countries have had to curtail emissions before developing countries). It is now making ominous predictions about the cost to the public of implementing Kyoto Protocol restrictions on fossil fuels.

On the positive side, more progressive businesses in Europe and developing countries helped to temper the TNC challenge somewhat, and the insurance industry became active on the issue after realizing that the erratic weather patterns of global warming could cost it more than it could afford to lose. Recently, British Petroleum and Shell Oil have pulled out of the Global Climate Coalition and publicized their own plans to reduce emissions, but they are still part of the American Petroleum Institute, which has continued to try to block entry into force of the Kyoto Protocol.

Lessons from environmental conventions

In both ozone depletion and climate change, the net impact of NGO involvement has generally been a stronger treaty, shorter timelines and fewer loopholes. Industry, on the other hand, has not managed to block any of these agreements, only to weaken them. That the agreements have reached their current stages can be considered a victory for the NGOs, providing evidence of the strength of their influence and support for good government decisions. But final outcomes remain to be seen. As the Kyoto Protocol comes up for ratification, industry is mounting a powerful challenge to its success, and though ozone negotiations continue to consider tighter restrictions, NGOs are struggling to keep up the momentum.

Some lessons for NGOs

NGOs may find the following points useful:

- The adoption and entry into force of a treaty does not mean that the work is complete. Implementation, compliance and monitoring are important stages.
- Ratification requires just as much preparation and work as the negotiations. Grassroots support for ratification should be mobilized ahead of time.
- Representatives of NGOs should attend as many meetings as possible. NGOs should send as many people as they can afford to the meetings, preferably people who speak a range of languages. During meetings, the pressure should be maintained, as decisions may remain in the balance until the last minute.
- NGOs should ensure that they have good relations with at least a few key countries in advance, giving priority to the countries that are most important to the negotiations. They should also remember that there are regional and group meetings (Africa, Asia, the Commonwealth, and so on), so that it is useful to have an NGO ally in each geographical region.
- NGOs should balance the use of science with media know how. They should use the science, combined with citizen demands, as the basis for their position, but also take advice from media strategists to avoid being too technical an issue. Their issue experts may be different from their media experts.

- The work costs money, and fundraising will be essential.
- Building coalitions, especially internationally, is critical for NGOs. They need to get together beforehand, through prior meetings, by e-mail, or whatever means are possible. Use of the Internet by NGOs can help to counter industry's huge media budgets. Environmental NGOs use it effectively to lobby and communicate internationally.
- Delegates should be provided with actual text and revisions (in writing). It is not sufficient just to lobby them or to rely on broad issue leaflets.

Some lessons for WHO Member States

Member States may wish to consider the following points:

- NGOs should be involved from the beginning - the longer the meetings go on, the more set the process becomes.
- There is a need for every type of NGO activity, including work with the media, pressure on governments, lobbying, preparing documents, pressure on industry, grassroots organizing. Different NGOs can play different roles.
- WHO can help NGOs to identify the most important countries in the negotiations, and ensure that there is NGO participation from each major geographical area, particularly from key countries.
- Agreements should be specific. Time limits to reach an agreement are critical, and goals should be set with deadlines.
- If NGOs become deeply involved in the implementation process themselves, potential conflicts with their monitoring/whistle-blowing role should be identified.
- A press list should be maintained and strategies should be prepared for all the most important countries on the issue.
- It is especially important for funding to be available to ensure the participation of NGOs from developing countries. Treaty negotiations can be expensive for NGOs to participate in, but they can be very effective global education tools. They offer an opportunity to establish global values.
- An international agreement should not undercut national restrictions that are already stronger. Such restrictions should be used as models. Tobacco corporations may try a strategy of lobbying for a Convention in order to pre-empt action by individual countries on the ground that the issue is being resolved internationally.
- The public is very open to having the negative impacts of an industry addressed, but is not accustomed to the idea of redress. There is an opportunity for the FCTC to address some of these negative effects.

Potential differences between mobilizing support for a tobacco control convention and previous conventions on health and the environment

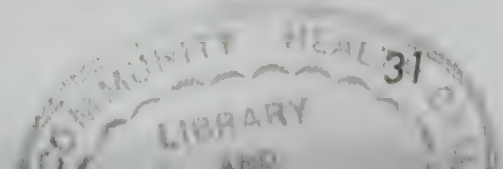
The FCTC is likely to face much the same level of industry and government opposition as the baby food campaign did with the WHO Code and NGOs did with respect to the ozone treaty. One difference in terms of public support is that there is nothing redeeming about tobacco products, as they have no public health benefits. Even Geoffrey Bible, the chief executive of Philip Morris, admitted in 1998 that "we [Philip Morris] no longer have credibility in the eyes of the world".¹ NGOs have helped to form this public climate, and momentum for the Framework Convention can be built upon it. It is public sentiment as much as scientific knowledge on tobacco that is creating the impetus for action now that the blame has begun to shift from the victims to the tobacco corporations. Indeed the FCTC is similar to the landmine issue in that graphic images of those affected, especially children, have garnered strong public support for action.

NGO involvement in the United Nations system was fairly new in the late 1970s when the WHO Code on breast-milk substitutes was being negotiated. Today it is not a question of whether NGOs will be involved, but at what level and to what degree. The top leadership of WHO has taken a much more public, firmer stand on tobacco than it did on the baby food issue.

There was a strong and growing international boycott of Nestlé, which the corporation was anxious to end, according to an industry spokesperson who worked on the issue. As a result, the industry publicly supported the Code while it privately tried to weaken it, and violated it once adopted. Economic pressure also played a role in the ozone treaty, as consumers were not buying products they perceived to be harming the ozone layer, which in turn prodded the chemical industry to look for less harmful alternatives. The tobacco corporations are facing a variety of pressures, including a growing number of lawsuits, public support for regulation, criminal investigations in the United States, divestment and a growing consumer boycott.

¹ Bible said this is a forum broadcast to employees on Philip Morris' closed-circuit TV network, as reported in the Richmond Times-Dispatch 3 June, 1998. "Philip Morris to revamp ad practices / Chairman wants emphasis on not marketing to youth," by Chip Jones.

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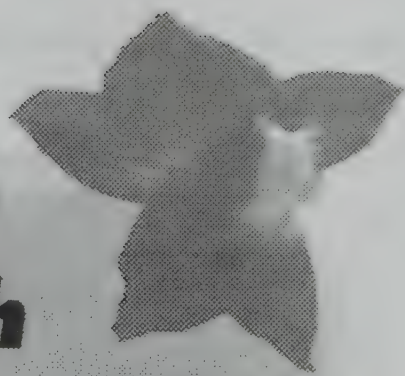
The experience of the International Campaign to Ban Landmines points to some important differences with respect to tobacco control. The main opposition to banning landmines came from governments, not industry. In fact, very few major TNCs produce landmines, and for those that do, it is not a strategically important business segment, so the industry opposition was limited. Once the negotiations were taken out of normal United Nations diplomatic channels, the NGO role was augmented, and the timeline moved considerably faster under the leadership of Canada and a strong core of governments in favour of a ban.

The ozone treaty experience may closely resemble what WHO and NGOs active in tobacco control can anticipate, since giant corporations such as DuPont were fighting the Convention early on. An important difference is that once the chemical industry realized it could produce and make money from alternatives, industry leaders stopped fighting the Convention. Public opinion played a key role because consumers stopped buying many ozone-depleting products, which helped to put pressure on the industry to develop alternatives. There are no safe tobacco products, so the tobacco corporations will be forced to diversify for long-term survival. It is important for WHO to support alternatives and facilitate cessation by current smokers without appearing to create a market or support a particular industry with a vested interest in the outcome.

Opposition to the Climate Change Convention has come largely from transnational corporations. The opposition is made up of the largest and most powerful TNCs in the world, primarily in the oil and gas industry. NGO involvement has been marginalized as a result. Major divisions between countries in the northern and southern hemispheres have been exploited by corporations fighting the Kyoto Protocol.

The tobacco industry is in a less powerful position than the oil and gas corporations because there are fewer industry leaders (Philip Morris, British American Tobacco, and RJR Nabisco). Public opinion in the United States and elsewhere holds the tobacco corporations in fairly low esteem, and supports tobacco regulation. However, this is still a powerful industry which will take advantage of divisions between North and South. The experience with the FCTC should be somewhat easier with public opinion and scientific findings strongly on WHO's side. The scientific evidence surrounding climate change is also strong, but obscured by industry campaigns. Internal industry documents that have been made public leave the tobacco industry with much less room for manoeuvre here. By disseminating the information widely, particularly internal documents from the tobacco industry, WHO and NGOs should experience less difficulty in influencing the media and public opinion on tobacco than NGOs faced in working on the Kyoto Protocol.

Recommendations on building support for the FCTC through the NGO community



The following recommendations are based on the experience described below:

- NGOs should create an international coalition or network to work on the WHO Framework Convention. NGOs and experts in this field already have an online network via GLOBALink to facilitate global communication on tobacco control. However, an international coalition to focus on the FCTC that includes NGOs from the North and South is needed. This will help to mobilize public and political support in a coordinated fashion, as well as to develop strategies for lobbying and funding for work on the Convention. Common goals of NGOs working on the Convention need to be established so that there is a clear and shared understanding of what NGOs want to achieve.
- WHO and its Member States should facilitate NGOs' involvement in the development of the FCTC and its protocols. Each of the treaties examined above was strengthened by NGO expertise and participation. This also means providing funding to ensure participation by NGOs with limited financial resources. WHO should also develop strong and regular lines of communication with NGOs working on tobacco control. Cooperation from both is essential.
- Member States and WHO should reach out to ensure broad participation by NGOs, and help to ensure participation of NGOs from the South in the negotiations. Countries where opposition to the FCTC is likely to develop are those that are important to the tobacco industry. These include target markets of the industry, largely in Asia and Eastern Europe, as well as major growers and exporters of tobacco, and countries where TNCs are headquartered. The support of developing countries will be important, and cooperation between NGOs in the North and South is crucial.
- A plan should be developed for a media and lobbying strategy. This should include identifying and cultivating relationships with government and media allies, and would require coordination between WHO and NGOs working on the Framework Convention. Many NGOs have a great deal of media expertise which will help to disseminate information and build support for the treaty. NGOs can also take a firmer line than may be possible for WHO in their approach to governments.
- The tobacco industry, its trade associations and key allies should be kept out of the negotiating process. The interests of the tobacco corporations are clearly at odds with countries' objectives regarding public health, and the industry should have no role in developing international public health policy. NGOs must be vigilant in exposing industry involve-

ment, and WHO and Member States must be proactive in protecting the process from this industry. The increasing expertise and credibility of NGOs has been met by increasing sophistication of TNCs in setting up "front groups" and promising self-regulation. Countries must also be wary of tobacco transnationals appearing to endorse the process, perhaps by offering to institute their own voluntary code without sufficient independent enforcement, or attempting to pre-empt stronger national action. The tobacco industry may decide not to oppose the Convention openly, but to appear to be reasonable and instead have allies, such as the advertising industry, to represent its interests.

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www.icrc.org : International Committee of the Red Cross (ICRC)

www.igc.org/igc/pn/hg/landmines.html : Institute for Global Communications (IGC)

www.unep.org : United Nations Environment Programme (UNEP)

www.vvaf.org/landmine/freeworld.html : Vietnam Veterans of America Foundation (VVAf)

www.who.int : World Health Organization (WHO).

Framework Convention on Tobacco Control



The Tobacco Free Initiative is a new WHO cabinet project created with the express aim of focusing international attention and resources on the global tobacco epidemic - the cause of a vast and entirely avoidable burden of disease.

